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LEAVE FOR SPECIAL SITUATIONS

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2. STAFF PERSONNEL UNDER NONOFFICIAL COVER

a. EXCESS USE OF LEAVE

Staff personnel under nonofficial cover accrue leave in accordance with HHB ☐ Such personnel will not be charged for leave taken in excess of Agency entitlement if the Operating Official concerned certifies that such leave was taken because deviation from the practice or policy of the cover facility would impair security.

b. EXCESS ACCUMULATION OF LEAVE

When an employee under nonofficial cover is precluded from taking annual leave which would otherwise be forfeited under the provisions of HHB ☐ because deviation from the practice or

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policy of the cover facility would impair security, the Director of Personnel may authorize retention of the excess leave in a suspended leave account.

(1) Establishment of Suspended Leave Accounts

- (a) When all reasonable means to permit the use of an employee's excess leave have been explored and found unsatisfactory for cover and security reasons, the Operating Official concerned may forward a request to establish a suspended leave account to the Director of Personnel. The request, in triplicate, will state the amount of leave to be credited to the employee's account and the circumstances which preclude the use of such leave.
- (b) If the Director of Personnel approves the request, two copies will be forwarded to the Office of Finance and one copy returned to the Operating Official. If the Director of Personnel does not approve the request, the Operating Official will be so informed.

(2) Administration of Suspended Leave Accounts

- (a) Requests to add excess annual leave credits to an established suspended leave account must be individually processed as prescribed in paragraph (1) above. The excess of an employee's Agency leave entitlements over his or her cover facility leave entitlements will not be credited automatically to the suspended leave account. Employees must present proof that cover or security

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prevented them from using their full Agency entitlements. A desire to "save leave", personal financial limitations, or similar reasons, are not valid justifications for an employee's failure to take leave. No employee who voluntarily fails to take the maximum leave authorized by the cover facility can claim that cover or security reasons prevented the taking of excess Agency leave.

- (b) At the close of each leave year, the Office of Finance will provide Operating Officials a record, in duplicate, of current balances in suspended leave accounts established for employees under their jurisdiction. The Operating Official will use the record to indicate for each account whether the employee continues to have cover which justifies continuing a suspended leave account. If the employee no longer has such cover, the Operating Official will indicate the date of change in cover and ensure the employee is informed of the requirements of paragraph (3) below. A copy of the record will be returned to the Office of Finance.

(3) Liquidation of Suspended Leave Accounts

- (a) The suspended leave account will be liquidated as soon as practicable after the employee is removed from the cover which required it. Beginning with the first leave year after removal from such cover, the employee must annually use no less than twenty percent of the final

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accumulated leave balance in the account at the time of removal. Any portion of this annual twenty percent not used will be forfeited at the close of the leave year.

(For example, at the end of the first leave year any unused suspended leave over eighty percent of the final balance in the account will be forfeited; at the end of the second year, any unused suspended leave over sixty percent of the final balance will be forfeited, etc.)

- (b) The employee's supervisor will report suspended leave used to the Office of Finance by memorandum attached to Form 764, Duty Status Report, or Form 20, Time and Attendance Report, whichever is submitted for the period. The memorandum ^{will} ~~is to~~ indicate the days and hours of leave taken and be signed by the supervisor and the employee who is no longer under nonofficial cover. Neither the memorandum nor the Duty Status Report to which it is attached will be signed by or shown to an employee who remains under nonofficial cover (see HFB ☐). Suspended leave reported will be omitted from the Duty Status Report or Time and Attendance Report.

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- (c) Notwithstanding the limitations on lump-sum leave payments stated in HFB ☐ payment for the current balance of an employee's suspended leave account will be made from confidential funds in a lump sum when the employee is separated from the Agency.

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